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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,911	06/19/2000	JAN ERIKSSON	49549-60259	4412

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EXAMINER

VALENTI, ANDREA M

ART UNIT	PAPER NUMBER
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 18

Application Number: 09/581,911
Filing Date: June 19, 2000
Appellant(s): ERIKSSON, JAN

Roland E. Long
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12 August 2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief: DeLaval Holding AB of Tumba, Sweden.

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(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Applicant identified there are no known appeals or interferences that would directly affect or have a bearing on the pending appeal.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-4 and 8-10 stand or fall together and claims 5-7 stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

4,508,058

Jakobson et al

04-1985

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EP 0244642

Finger

04-1987

WO 96/36312

Innings et al

11-1996

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-10 rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, Paper No. 10.

(11) *Response to Argument*

Examiner maintains that the rejection presented in the office action paper No. 15 is withstanding, which applied the teachings of Jakobson et al in view of the teachings of Finger. Examiner relied on the entire teachings of Jakobson et al when applying the cited art to the rejection and the Examiner cited specific areas of the Jakobson patent to help illustrate its applicability. The examiner would like to further point out that Jakobson alone does teach a registering means and a control means with regard to the animal related device and the complete related operation, but is silent on the registering means and control means for the robot. The abstract of Jakobson (second paragraph of abstract) teaches a registering means that registers a cumulative value and a control means that generates a signal when the predetermined threshold value has been reached. In other words, the abstract of Jakobson teaches a registering means that registers the current time, the previous time, and the time that has elapsed in between when the cow was last milked. If this registered time falls within the predetermined threshold value the signal by the control means is the activation of the milking

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equipment. Examiner would like to further illustrate that Jakobson teaches a control means to generate a signal when the threshold value has been reached for an animal related device in Jakobson Col. 3 line 28-36.

Examiner maintains it would have been obvious to one of ordinary skill in the art to modify the teachings of Jakobson with the teachings of Finger since Finger teaches to include monitoring total operation time of a machine as a basis for determining when the device should receive maintenance (Finger Col1 line 1-31). This modification is merely the inclusion of mechanical parts into the registering and control means already taught by Jakobson. One of ordinary skill would be motivated to combine the teachings as a common and efficient preventative maintenance procedure to prevent mechanical failure and loss of equipment and production time.

Furthermore, examiner maintains that Jakobson in view of Innings is a valid combination that teaches all of the limitations recited in applicant's claims 5-7. Innings was merely cited to illustrate the common components of milking equipment such as the teat cup and its structure in conjunction with a pulsator. These are old and notoriously well-known components of automated milking systems. Jakobson teaches an automated milking system but did not explicitly teach the structure of the teat cups. The combination of Jakobson in view of Finger applied to claim 1 is provided to teach the known concept of a registering means for registering a running value and a control means to generate a signal when a predetermined threshold value has been reached. It would be obvious to one of ordinary skill in the art to apply the concept taught by Jakobson in view of Finger to various different components of the system such as the

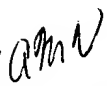
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pulsator, teat location device, teat cleaning device, gate drive means since these are all alternate equivalent pieces of mechanical equipment that require routine maintenance.

Examiner does not agree with the conclusion of applicant's appeal brief. It appears that applicant has made an inadvertent oversight by including the wrong conclusion since applicant references prior art that was never cited in this particular application.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

AMV 
October 1, 2003

Conferees
Peter Poon
Robert Swiatek RPS

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